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August 6, 2003

EX PARTE

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: CC Docket 95-116 Local Number Portability

Dear Ms. Dortch:

On August 5, 2003, Verizon met with Jessica Rosenworcel, legal advisor to Commissioner Copps. John Goodman and the undersigned represented Verizon Communications and John Scott represented Verizon Wireless.

The purpose of the meeting was to discuss issues concerning wireless number portability. Issues discussed and positions advocated in the meeting are shown on the attached handout. Two previously filed Verizon Wireless ex partes were also distributed in the meeting and are attached.

Please include a copy of this correspondence in the record of the above-captioned proceeding.

Sincerely,

/s/Marie Breslin

Attachments

cc: J. Rosenworcel

Verizon Wireless Number Portability Issues

1. Carriers need agreements covering number portability, but they need not be interconnection agreements under sections 251-52.
2. Rate center issues:
 - There is nothing in the existing rules that limits a LEC's obligation to port a number out. We understand that this causes a lack of symmetry, which is inconsistent with the goals of number portability.
 - The existing rules do not require a LEC to port in a wireless number that is associated with a rate center that is different from the customer's physical location. Porting in these numbers would cause calls that are physically local to be rated as toll.
3. Porting interval:
 - We both support expeditious porting, so that customers can start using their new service as soon as reasonably possible.
 - The Commission may not change the existing LEC porting interval in response to CTIA's declaratory ruling request.
 - The LEC industry adopted the FOC+3 day interval, and the Commission blessed it. It would be very expensive to reengineer systems to reduce the interval to a few hours, and it would take many months to do so.
 - The wireline interval does not create "public safety" issues.
 - If the Commission wants to look at porting intervals overall, it should start a new proceeding to do so.

Dennis F. Strigl
President & Chief Executive Officer



June 24, 2003

Verizon Wireless
180 Washington Valley Road
Bedminster, New Jersey 07921
Phone 908 306-7666
Fax 908 306-4388

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Dear Mr. Chairman:

Today I spoke to the Yankee Group's Wireless Leadership Summit about my vision for how the wireless industry can continue to grow and to strengthen the U.S. economy. In my view, growth depends on wireless carriers' constant efforts to simplify their products and services. Simplifying the entire customer experience – the handsets and data devices they buy, the voice and data services they purchase, and the customer care they rely on – is critical to the next phase of the industry's growth. Case in point: when we made text messaging fast and user-friendly, text messaging took off and consumers benefited.

Local number portability is another feature that should be fast and easy for consumers. My speech explains how Verizon Wireless is leading the wireless industry in driving for a porting process that imposes no barriers that may impede customers from switching. The process should be fast and automatic. We will not charge "porting fees" for customers who want to port. We have asked other wireless carriers to enter into agreements that will allow for immediate, automatic porting without restraints. The FCC determined that LNP will enhance competition and help consumers. But only if LNP works easily will it bring the benefits that the FCC hopes will occur. Porting should be friction-free, and all wireless carriers must play by the same rules.

Your agency needs to remain actively involved as well to ensure that the porting experience is as trouble-free as possible for consumers and that clear processes are in place to simplify LNP. You have numerous requests before you asking that you clarify how LNP should be implemented. I ask that you act on these matters as quickly as possible, and decide them by asking the simple question – what action will make LNP easy for all customers to change wireless carriers? Verizon Wireless is ready to work with you to achieve those results.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis F. Strigl", written in a cursive style.

Enclosures

NEWS RELEASE



www.verizonwireless.com

FOR IMMEDIATE RELEASE
June 24, 2003

MEDIA CONTACT:
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VERIZON WIRELESS CHIEF EXECUTIVE OFFICER DELIVERS CALL TO ACTION TO ALLOW WIRELESS CUSTOMERS TO KEEP THEIR NUMBERS

Nation's Largest Wireless Service Provider Details its Plan

NEW YORK and BEDMINSTER, NJ – In a keynote presentation today at The Yankee Group's Wireless Leadership Summit in New York, Denny Strigl, president and chief executive officer of Verizon Wireless, said his company would adopt easy procedures to allow customers to keep their wireless phone numbers when changing wireless service providers. November 24, 2003 is the start date for the wireless local number portability (WLNP) compliance set by the Federal Communications Commission (FCC).

In order to boost customer satisfaction with the wireless industry, Strigl stressed the industry must unite to make it easy and convenient for customers to keep their wireless numbers if they choose to switch wireless service providers. Strigl also laid out a plan that the nation's largest wireless service provider will follow to make switching seamless for customers, and urged other service providers to adopt the Verizon Wireless plan immediately.

"We can start by this industry taking a leadership role in creating a universal process for all carriers. Otherwise, it won't benefit all customers equally," said Strigl. "If LNP is something our customers want, it is critical that the process for them is easy, automatic and quick at the customer's

request – both for customers bringing a phone number to us, and yes, for customers leaving us with their phone number. There must be no barriers to easily switching service providers.”

While detailing the Verizon Wireless plan, Strigl said that Verizon Wireless will not charge additional fees to its customers who want to take their numbers with them, nor will the company charge its customers a “pre-portability fee” to pay for infrastructure required to make the system operational.

“We will not recover costs in advance of LNP taking effect. The substantial costs we have incurred so far in planning for and implementing LNP processes have been included in our general cost of doing business,” said Strigl. “We will not charge any ‘special fees’ for customers who want to take their numbers with them. We will, after November, evaluate what our ongoing LNP costs actually are and how we will recoup our costs. And, I don’t believe our costs will be much more than 10 to 15-cents per-customer, per-month going forward.”

In essence, the Verizon Wireless plan is a commitment by Verizon Wireless to treat its customers who want to switch providers exactly the same as its other customers.

“Our plan at Verizon Wireless is to treat porting customers the same way we treat any customer today. No change. Whether they are joining us with a number, or leaving us with their number after November 24. No change from today,” said Strigl. “We intend to activate customers coming from other carriers in the same time frame we use today. No standing around the store for hours, or waiting days for your new phone to work.”

Customers who break existing contracts with Verizon Wireless will be liable for any early termination fees, but the early termination fee will appear on a their final bills – which they will receive after moving to another service provider.

“I encourage all service providers to adopt our straightforward plan for consumer-friendly porting, and for the FCC to give its stamp of approval immediately,” said Strigl. “It is imperative that

all processes be identical, operationally tested and fully functional before November 24. Each service provider has the obligation to ensure it is ready to go and in compliance by that date.”

Under number portability, the public must be educated about what number portability really means. For example, the public should be aware that initially, only those customers in the top 100 Metropolitan Statistical Areas will be able to keep their numbers, and that wireless customers can only keep their phone numbers if they stay in the same geographic location – not when moving from region to region, such as from Boston to Atlanta.

“As an industry leader, I’m concerned that we meet not only the letter – but the spirit – of the LNP requirement ...and get this right for the consumer – or risk justifiable backlash from current and potential customers,” said Strigl.

The company has been active preparing for the November 24 start date for number portability. Just last week, Verizon Wireless began accepting applications for employment at its new state-of-the-art customer call center in Murfreesboro, Tenn., which will become the company’s hub for number portability transactions. The company announced plans to hire 450 new employees over the next three months, with training starting in August and the call center beginning operations in October.

For more information about Verizon Wireless and transcript of Strigl’s speech, visit <http://news.verizonwireless.com>.

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About Verizon Wireless

Verizon Wireless is the nation's leading provider of wireless communications. The company has the largest nationwide wireless voice and data network and 33.3 million customers. Headquartered in Bedminster, NJ, Verizon Wireless is a joint venture of Verizon Communications (NYSE:VZ) and Vodafone (NYSE and LSE: VOD). Find more information on the Web at www.verizonwireless.com.



Verizon Wireless
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Washington, D.C. 20005

May 20, 2003

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte*, CC Docket No. 95-116
CTIA Second LNP Declaratory Ruling Petition

Dear Ms. Dortch:

Verizon Wireless submits this letter to elaborate upon an important issue raised in the most recent petition for declaratory ruling filed by the Cellular Telecommunications & Internet Association ("CTIA") related to implementation of local number portability ("LNP") by Commercial Mobile Radio Service ("CMRS") providers.¹

Although Verizon Wireless continues to believe that the Commission should have granted forbearance from the CMRS LNP requirement,² Verizon Wireless concurs with CTIA that the Commission must clarify some critical issues if LNP is to work. LNP will work only if it provides customers with the maximum flexibility to switch carriers, subject only to verification procedures to validate a port request. To that end, Verizon Wireless urges the Commission, in acting on CTIA's petition, to confirm that carriers may not impose restrictions on the porting-out process, beyond necessary customer validation requirements to prevent fraud. The Commission also must ensure a level playing field for porting. One carrier should not be allowed to implement portability subject to restrictive conditions, such as refusing to port to a customer who has an unpaid balance, while other carriers allow customers to leave freely upon validation of identity.

¹ Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association, *Telephone Number Portability*, CC Docket No. 95-116 (filed May 13, 2003) ("*Second CTIA Petition*").

² *Cellular Telecommunications & Internet Ass'n and Celco Partnership d/b/a Verizon Wireless v. FCC* (D.C. Cir. No. 02-1264).

Despite significant efforts, the industry has been unable to reach consensus on many issues.³ Even where industry standards exist, however, "some providers have already expressed an interest in imposing their own unique requirements in addition to or instead of generally approved procedures."⁴ In the absence of clear guidance regarding the obligation of carriers to port numbers at the request of their customers, carriers may attempt to impose non-porting related conditions as an impediment to porting, *e.g.*, by refusing to port if a consumer owes an early termination fee to the old service provider or otherwise has an arrearage on his or her account. The bilateral contractual relationship between the old service provider and its customer will have to be worked out between the two of them, but it cannot be used as an irrelevant basis to subvert porting by refusing to port to the new service provider when the customer directs it. Otherwise, the *new* carrier's porting interval is impaired, and the free flow of numbers between carriers envisioned by the FCC will be blocked.

As the *Second CTIA Petition* notes, "[i]n the absence of specific direction from the Commission, it is not clear whether all wireless carriers will enter into streamlined negotiations and reach satisfactory agreements to engage in number portability with one another."⁵ The concerns raised in the *Second CTIA Petition* are real. Verizon Wireless has initiated the inter-carrier communications process by offering a proposed service level agreement ("SLA")⁶ to wireless carriers operating within the top 100 MSAs designed to expedite the porting process for customers. To date, no SLA has been signed, in part due to carriers' uncertainty as to standards applicable to the porting process.

Clear Commission direction is *necessary for successful implementation of wireless-wireless portability*, as well as wireline-wireless portability.⁷ CTIA's filing, by referencing the many uncertainties in the porting process, points to the risk that negotiations will result in "lowest common denominator" outcomes, which could significantly reduce customers' abilities to port their numbers. As the *Second CTIA Petition* notes, the porting interval has been raised by the NANC for FCC resolution.⁸ This issue is a sub-set of the "porting interval" issue raised in the *Second CTIA Petition*, and should be clearly noticed as an issue for comment in any notice seeking public comment.

³ *Second CTIA Petition* at 2-3, 5-6. See also 47 CFR § 52.26(a) (codifying the North American Numbering Council's recommendations as set forth in the report from the Local Number Portability Administration Selection Working Group dated April 25, 1997, which by its own terms dealt only with wireline LNP).

⁴ *Second CTIA Petition* at 8 n.16.

⁵ *Second CTIA Petition* at 16 n.42.

⁶ Verizon Wireless' SLA is a modification of the model CTIA agreement which was created to facilitate the porting process.

⁷ See *Second CTIA Petition* at 4 & n.10.

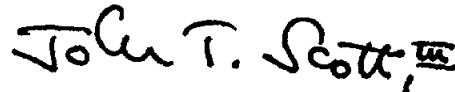
⁸ *Second CTIA Petition* at 8-11.

May 20, 2003
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Verizon Wireless requests that the Commission follow the procedure set forth in section 52.26(b) of its rules to resolve the porting interval controversy and specifically clarify that the porting-out carrier may not impose any restrictions on releasing a number other than those necessary to validate the identity of the customer requesting the port and that such customer is currently assigned the number.

Thank you for your prompt consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "John T. Scott, III". The signature is written in a cursive style with a large, stylized "J" and "S".

John T. Scott, III

cc: (via e-mail)
Bryan Tramont
Jennifer Manner
Paul Margie
Samuel Feder
Barry Ohlson
William Maher
John Muleta
Catherine Seidel
David Furth
Jared Carlson
Jennifer Salhus



Federal Communications Commission
Washington, D.C. 20554

July 3, 2003

DA 03-2190

John T. Scott, III
Vice President & Deputy General Counsel
Verizon Wireless
1300 Eye St.
Suite 400 West
Washington, DC 20005

Michael F. Altschul
Senior Vice President, General Counsel
Cellular Telecommunications & Internet Association
1250 Connecticut Ave., N.W.
Suite 800
Washington D.C. 20036

Re: CC Docket No. 95-116: Wireless Local Number Portability Implementation

Dear Messrs. Scott and Altschul:

Thank you for Mr. Scott's May 20, 2003, letter regarding wireless local number portability (LNP) implementation. The Commission is committed to ensuring that consumers receive the substantial benefits conferred by wireless LNP, and to that end, the Bureau is pleased to offer guidance on certain remaining implementation issues. In this letter, we respond to the issue raised in Mr. Scott's letter, as well as on a separate LNP implementation issue that has been raised by the Cellular Telecommunications and Internet Association (CTIA) in its May 13th petition for declaratory ruling.

At the outset, we reiterate the Commission's view that local number portability is necessary to preserve consumer choice and enhance competition among commercial mobile radio service (CMRS) carriers and between the wireless and wireline industries.¹ We trust that the guidance we provide today will ensure that carriers continue to move forward toward completing their implementation efforts.

Implication of the Porting Interval for E911: On May 13, 2003, CTIA filed a petition for declaratory ruling, asking the Commission to resolve a number of outstanding LNP implementation issues.² One of the issues CTIA raises is the implication of the porting interval for enhanced 911 (E911) service.

The porting interval refers to the amount of time it takes for two service providers to complete the

¹ See Verizon Wireless Petition for Partial Forbearance from the Commercial Mobile Radio Services Number Portability Obligation, WT Docket No. 01-184, *Memorandum Opinion and Order*, 17 FCC Rcd 14972, 14979-80 (2002); Telephone Number Portability, *First Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116, 11 FCC Rcd 8352, 8434-8437 (1996) (*First Report and Order*).

² Telephone Number Portability, CC Docket No. 95-116, Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association, filed May 13, 2003 (*May 13th Petition*).

process of porting a number. According to CTIA, the wireless industry has set a goal of completing ports within two and one half hours.³ Wireline ports, CTIA says, take as long as four business days to complete.⁴

CTIA describes industry efforts to determine whether the porting interval can be reduced and indicates that viable alternative solutions have been considered. CTIA explains that, under the alternative solutions that have been proposed, carriers activate service for a customer with a ported number before the number is fully disconnected by the old service provider.⁵ These approaches result in a period of "mixed service," during which a customer essentially has service with two carriers with the same phone number until the porting process is complete. CTIA contends that although "mixed service" approaches are considered viable, the industry is concerned about the implications of such approaches for compliance with Commission E911 requirements.⁶ For example, in the case of a port from a wireline to a wireless carrier, during the period of "mixed service," if the wireless carrier activates service before the Number Portability Administration Center (NPAC) broadcasts the porting change throughout the network, and the new wireless customer makes a 911 call, a call-back from the responding Public Safety Answering Point (PSAP) would be routed through the old wireline switch. Alternatively, CTIA contends, a different risk could arise during the mixed service period if a call is placed from the wireline phone and the PSAP attempts a call-back. The PSAP's call could be routed to the wireless phone instead of the wireline phone.⁷ CTIA asserts that, because of these E911 issues, the industry has been unable to reach consensus to support "mixed service" approaches.⁸

While we recognize these concerns, in our view, the Commission's E911 rules do not prohibit the industry from adopting a "mixed service" approach. Section 20.18(d)(1) of the Commission's rules requires carriers to relay the telephone number of the originator of a 911 call to the designated PSAP.⁹ The Commission has recognized, however, that carriers may not, in all cases, be able to provide a call-back number or reliable call-back capability. Section 20.18(d)(2) of the Commission's rules provides that "when the directory number of the handset used to originate a 911 call is not available to the serving carrier, such carrier's obligations ... extend only to delivering 911 calls and available call party information ..." In adopting this section, the Commission explained that:

Covered carriers will not be required to provide reliable call-back numbers to PSAPs in the case of mobile units that are not associated with a dialable telephone number (for example, because they were designed or offered on an originate-only plan, they were never initialized, or the subscription has lapsed).¹⁰

During periods of "mixed service," before the NPAC broadcasts a porting change throughout the network to enable carriers to correctly route calls to the ported number, a carrier will not be able to deliver a reliable call-back number to a PSAP answering a 911 call. Under the Commission's rules, a carrier's obligations during this period would extend only to delivering the 911 call and

³ *Id.* at 7.

⁴ *Id.*

⁵ *Id.* at 9.

⁶ *Id.*

⁷ *Id.* at 11.

⁸ *Id.* at 12.

⁹ 47 CFR § 20.18(d)(1). In addition, sections 20.18(d)-(g) of the Commission's rules require carriers to transmit location information for 911 calls.

¹⁰ In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Memorandum Opinion and Order*, 12 FCC Rcd 22665, 22717 (1997).

other available call party information.

Although we do not view our rules as holding carriers liable for failure to deliver a valid call-back number during the time a port is being completed, we remain concerned that customers be fully informed about the potential implications for emergency calling associated with "mixed service" approaches. For this reason, to the extent that carriers decide to pursue a "mixed service" approach as they complete port requests, I strongly encourage carriers to instruct consumers at the point of sale about the limited emergency services that will be available to them during the porting process. In addition, we anticipate that the industry will, particularly with regard to wireline to wireless ports, further reduce the duration of porting intervals so that the impact on emergency services will be minimized. As LNP is being implemented, we intend to closely monitor porting activity to determine whether further action on this issue remains necessary.¹¹

Business Rules: In its May 20th *ex parte* letter, Verizon Wireless (Verizon) asserts that LNP will work only if it provides customers with the maximum flexibility to switch carriers, subject only to verification procedures to validate a port request.¹² To that end, Verizon urges the Commission to confirm that carriers may not impose restrictions on the porting-out process, beyond necessary customer validation requirements to prevent fraud.¹³

Verizon contends that, in the absence of clear guidance from the Commission, carriers may attempt to impose non-porting related conditions as an impediment to porting, e.g., by refusing to port if a customer owes an early termination fee to the old service provider or otherwise has an arrearage on an account.¹⁴ Verizon argues that the Commission must ensure a level playing field for porting. It contends that one carrier should not be allowed to implement portability subject to restrictive conditions, while other carriers allow customers to leave freely upon validation of identity.¹⁵

We agree with Verizon that carriers may not impose restrictions on the porting-out process beyond necessary customer validation requirements. Under the Act and in the Commission's rules, the term number portability is defined to mean "the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience, when switching from one telecommunications carrier to another."¹⁶ This language contemplates an environment where it is as easy for consumers to switch carriers and port their existing telephone number as it is for consumers to switch carriers without taking their existing number with them.

Today, consumers who wish to change service providers may request service from a new carrier at any time regardless of their standing with their old provider. Under the Commission's rules, consumers must have the same freedom to change carriers in a number portability environment. The Commission's rules require carriers to port a number when they receive a valid request¹⁷ and carriers may not refuse to port while attempting to collect fees or settle an account, or for other reasons unrelated to validating a customer's identity. Of course, nothing in the Commission's

¹¹ We note that the porting interval issue raised by CTIA in its May 13th Petition remains pending, and we do not address the merits of that issue in this letter.

¹² Letter from John T. Scott, III, Verizon Wireless to Marlene H. Dortch, Secretary, FCC, CC Docket No. 95-116 (filed May 20, 2003).

¹³ *Id.* at 1.

¹⁴ *Id.* at 2.

¹⁵ *Id.* at 1.

¹⁶ 47 U.S.C. § 153 and 47 C.F.R. § 52.21(k).

¹⁷ 47 C.F.R. §§ 52.23, 52.31.

rules would preclude carriers from considering customers' creditworthiness in determining whether to offer service to any particular customer.

Other Issues: Additional implementation issues have been raised by CTIA. We anticipate that these issues will be addressed separately well in advance of the November 24, 2003, implementation deadline. We note that the Commission recently released an order addressing two of the issues mentioned in CTIA's May 13th petition: the definition of the 100 largest Metropolitan Statistical Areas (MSAs) and the bona fide request requirement.¹⁸ A copy of the order can be found on the Commission's web site at www.fcc.gov by referencing document number FCC 03-126.

Another remaining issue concerns the extent of intermodal porting that will be available and whether wireline carriers have an obligation to port their customers' telephone numbers to wireless carriers whose service areas overlap the wireline carriers' rate centers. While the Commission is considering this issue, we wish to emphasize the limited scope of this matter. The Commission's rules require porting between wireless and wireline carriers.¹⁹ The rate center issue only concerns the extent of porting that is required in cases where a wireline customer wishes to port a number to a wireless carrier that does not have a presence in the rate center where the customer is physically located. Without addressing this limited issue on its merits, we emphasize that porting between wireline and wireless carriers is required in other cases.

We anticipate that, with this letter, parties will proceed to resolve existing issues and move toward completing their LNP implementation efforts as quickly as possible. As mentioned at the outset, we expect carriers to comply fully with the LNP requirements and begin offering number portability in accordance with the schedule the Commission has adopted.

Should you have any questions with respect to any portion of this letter, please do not hesitate to contact the Bureau's Policy Division at (202) 418-1310.

Sincerely,



John B. Mufeta
Chief, Wireless Telecommunications Bureau

¹⁸ Numbering Resource Optimization, *Fourth Report and Order and Fourth Further Notice of Proposed Rulemaking*, CC Docket Nos. 99-200 and 95-116, FCC 03-126 (rel. June 18, 2003).

¹⁹ *First Report and Order*, 11 FCC Rcd at 8433.